



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Dayton, Ohio

Docket No. 9629

Application of:

Scott D. Carty et al.

Group Art Unit: 2161

Serial No. 09/990,902

Examiner: Frantz Coby

Filed: November 16, 2001

For: **SYSTEM AND METHOD FOR CAPTURING AND STORING
OPERATIONAL DATA CONCERNING AN INTERNET SERVICE
PROVIDER'S (ISP) OPERATIONAL ENVIRONMENT AND
CUSTOMER WEB BROWSING HABITS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS

Submitted herewith is an Information Disclosure Statement including the following three references: (1) E-BUSINESS TERADATA @ACTIVE WAREHOUSE, INSTALLATION AND CUSTOMIZATION GUIDE, RELEASE 3.0, dated January 2001; (2) E-BUSINESS TERADATA @ACTIVE WAREHOUSE 2.0, INSTALLATION AND CUSTOMIZATION GUIDE, dated June 2000; and (3) PR Newswire "NCR Expands E-Business Data Warehouse Offer", press release, 25 September 2000.

CERTIFICATION OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 1, 2005.

By: Sallie Spicer
Name: Sallie Spicer

The E-BUSINESS TERADATA @ACTIVE WAREHOUSE 2.0, INSTALLATION AND CUSTOMIZATION GUIDE, dated June 2000, and the September 25, 2000 press release were cited during prosecution of a related patent application, Application Serial No. 09/992,571, entitled "SYSTEM AND METHOD FOR CAPTURING AND STORING INFORMATION CONCERNING OPERATIONAL METRICS OF A BUSINESS WEB SERVER AND WEB SITE"; filed on November 16, 2001 by Scott D. Carty, Sylvie F. Haddad, and Tucker Smith; NCR Docket Number 9626.

The 2.0 and 3.0 releases of the E-Business Teradata @ctive Warehouse were NCR Corporation confidential information products published for internal NCR Corporation use only. The intended audience for these documents was NCR Professional Services personnel for use in planning and executing customer engagements in the field. The documents are identified as confidential in the preface to the guides. The 2.0 and 3.0 releases of the E-Business Teradata @ctive Warehouse are provided not as publicly disclosed publications, but to illustrate the form and structure of the E-Business Teradata @ctive Warehouse, the E-Business logical data model as of June 2000 and January 2001, respectively.

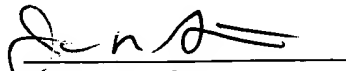
The claims remaining in the present application, claims 2-4, 6-8 and 10-15, are directed to features associated with the ISP Subject Area illustrated in Figures 7A through 7E of the present invention. The ISP Subject Area first appeared in the 3.0 version of the Logical Data Model disclosed in the E-BUSINESS TERADATA @ACTIVE WAREHOUSE, INSTALLATION AND CUSTOMIZATION GUIDE, RELEASE 3.0. The ISP Subject Area is described and illustrated on pages 2-24 through 2-28 of the E-BUSINESS TERADATA @ACTIVE WAREHOUSE, INSTALLATION AND CUSTOMIZATION GUIDE, RELEASE 3.0. The ISP Subject Area was not included in the 2.0 release of the E-Business Logical Data Model.

The Supreme Court has stated that a statutory on-sale bar applies when two conditions are satisfied before a patent application's critical date: first: (1) the product including the invention which is the subject of the patent application must be the subject of a commercial sale or offer for sale, and (2) the invention must be ready for patenting. The September 25, 2000 press release represents an offer for sale as of that date, and the 2.0 and 3.0 releases of the E-Business Teradata @active Warehouse Installation and Customization Guides show the structure of the E-Business Logical Data Model as it was no later than June 2000 and January 2001, respectively.

Independent claims 2-3, 6-8 and 10-15 each recite limitations corresponding to features first appearing in the 3.0 version of the Logical Data Model disclosed in the E-BUSINESS TERADATA @ACTIVE WAREHOUSE, INSTALLATION AND CUSTOMIZATION GUIDE, RELEASE 3.0, dated January 2001. The present application was filed on November 16, 2001. As such, it is believed that claims 2-5, 6-8 and 10-15 are patentable over the references cited in the accompanying Information Disclosure Statement.

In view of the foregoing remarks, it is believed that the present application remains in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,


James M. Stover
Reg. No. 32,759

NCR Corporation
1700 South Patterson Blvd.
Dayton, Ohio 45479-0001
Tel. No. (937) 445-7663
Fax No. (513) 719-6936



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First Named Inventor	CARTY, S. D.
Art Unit	2161
Examiner Name	COBY, FRANTZ
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NON PATENT LITERATURE DOCUMENTS

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Examiner Signature		Date Considered	
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